

BILL NO. Z-68-09- 07

ZONING MAP ORDINANCE NO. Z- Last

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. EE-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby designated an MHP District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836; and the symbols on the City of Fort Wayne Zoning Map No. EE-18 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to-wit:

A part of the southwest quarter of Section 33, Township 30 north, Range 12 east, by metes and bounds described as follows, to-wit:

Commencing on the west line of the right-of-way of the Lake Erie & Western Railroad, at a point situated 2.32 chains south of its intersection by the north line of said quarter section; thence south 70½ degrees west, 7.03 chains to a point on the north side line of a driveway entering from the public highway known as the Indianapolis Road into and upon the premises herein being described; thence north 65 degrees west, 3.81 chains to a point on the center line of the said public highway; thence south 22½ degrees west, 0.26 chains along the center line of said public highway; thence south 65 degrees east, 6.15 chains along the south side line of the aforesaid driveway; thence south 23½ degrees west, 8.64 chains; thence south 47 degrees east, 8.84 chains to a point on the south line of the northeast quarter of the southwest quarter of section, situated 2.33 chains west of the west line of the aforesaid right-of-way; thence southeasterly along the channel of the Harber Ditch, 5.20 chains to the west line of aforesaid right-of-way at a point situated 4.60 chains south of the south line of the northeast quarter of the southwest quarter section aforesaid; thence north along the west line of said right-of-way, 22.30 chains to the point of beginning,

containing 9.66 acres of land, within described land lines, or 9.88 acres within established fence lines.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.



Phil H. Hargrave

APPROVED AS TO FORM
AND LEGALITY



CITY ATTORNEY

Read the first time in full and on motion by Steigerwald seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (~~and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~ the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 9-10-68

Thad G. Benahom
City Clerk

Read the third time in full and on motion by Steigerwald seconded by Adams and duly adopted, placed on its passage.

~~Passed~~ (LOST) by the following vote:

AYES 0, NAYS 8, ABSTAINED _____, ABSENT 1 to-wit:

Adams	_____	<input checked="" type="checkbox"/>	_____	_____
Dunifon	_____	<input checked="" type="checkbox"/>	_____	_____
Fay	_____	<input checked="" type="checkbox"/>	_____	_____
Geake	_____	<input checked="" type="checkbox"/>	_____	<input checked="" type="checkbox"/>
Nuckols	_____	<input checked="" type="checkbox"/>	_____	_____
Robinson	_____	<input checked="" type="checkbox"/>	_____	_____
Rousseau	_____	<input checked="" type="checkbox"/>	_____	_____
Steigerwald	_____	<input checked="" type="checkbox"/>	_____	_____
Tipton	_____	<input checked="" type="checkbox"/>	_____	_____

Date 10-13-70

Thad G. Benahom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 7

on the _____ day of _____, 196 8.

ATTEST: (SEAL)

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 196 8 at the hour of 10.00 o'clock 10 .M., E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 196____, at the hour of _____ o'clock _____ .M., E.S.T.

Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 10, 1968, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-68-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 21, 1968; and,

WHEREAS, this ordinance received a DO PASS recommendation on condition that additional access be acquired to this mobile home site; and,

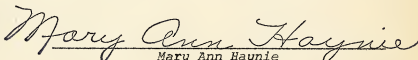
WHEREAS, this ordinance has been held in the Plan Commission Office for approximately two years and the petitioner apparently cannot acquire this additional access;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the city, and the amendment will be detrimental to and conflicts with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 28, 1970.

Certified and signed this
9th day of October 1970.


Mary Ann Haynie
Secretary

Bill No. Z-68-09-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. EE-18,

Last

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do Not PASS.

JACK K. DUNIFON, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GRAKE

PHIL A. STEIGERWALD

Jack K. Dunifon
Edwin J. Rousseau
Thomas G. Adams
Phil A. Steigerwald

CONCURRED IN

DATE 10-13-70 FUAD G. BONAHOOM, CITY CLERK

\$ 25.00

August 13 1968 No.

RECEIVED OF

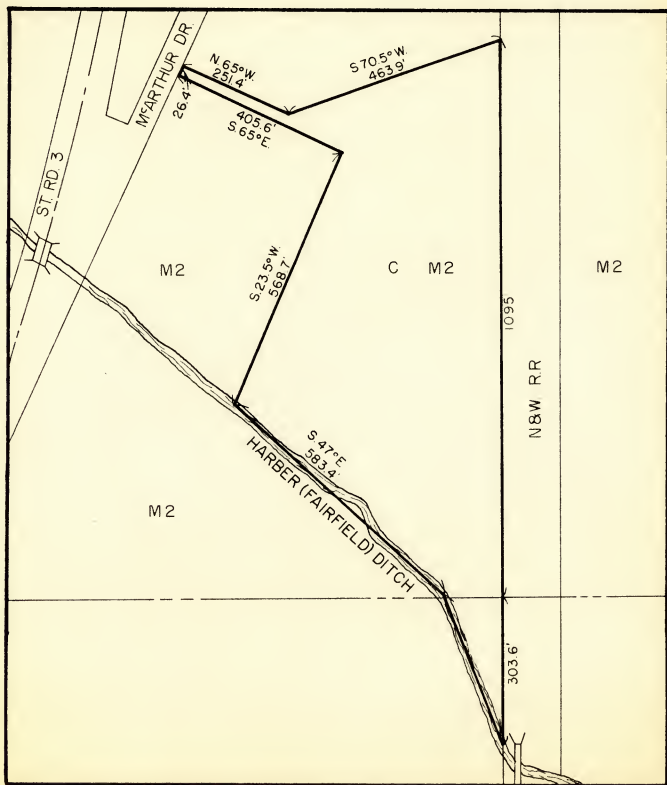
Condon & Kaag

Twenty-Five and 00/100 DOLLARS

Conrad Mullins petition for
Re-zoning

BY A. H. McKeithen





CHANGE FROM M2-MH

Z-68-07-07

PETITION TO REZONE

We, the undersigned, being the owners of more than fifty-one (51) percent of the real estate hereinafter described, do hereby respectfully petition the Common Council to enact an ordinance to reclassify from an M-2 District to an MH Mobile Home Park District, the real estate described as follows, to-wit:

See attached survey for description; property in question is outlined in red ink.

Attached also is Appeal for a special use as provided in Section 13, paragraph C (3) Chapter 36 Municipal Code, which Appeal was denied because of no jurisdiction because of the adoption of General Ordinance G-109-67, entitled An Ordinance Amending the Zoning Ordinance as to Trailer Parks and Mobile Home Parks, and imposing penalties.

Conrad Mullins

CONRAD MULLINS

Helen Mullins

HELEN MULLINS

NUMBER

Registered in Indiana
No. 72

This document is the record of a survey of land and real estate situated in and about the town of ~~Albany~~ Albany, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described is about more or less in dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains or includes all of the buildings the structures of the buildings on it situated, all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY (See below)

Addition

A part of the southwest quarter of section 33, Township 30 north, Range 12 east, by metes and bounds described as follows, to wit;

Commencing on the west line of the right-of-way of the Lake Erie & Western Railroad, at a point situated 2.32 chains south of its intersection by the north line of said quarter section; thence south 70° degrees west, 7.03 chains to a point on the north side line of a driveway entering from the public highway known as the Indianapolis Road into and upon the premises herein being described; thence north 65 degrees west, 5.81 chains to a point on the center line of the said public highway; thence south 22½ degrees west, 0.28 chains along the center line of said public highway; thence south 65 degrees east, 6.15 chains along the south side line of the aforesaid driveway; thence south 23½ degrees west, 8.64 chains; thence south 47½ degrees east, 8.84 chains to a point on the south line of the northeast quarter of the southwest quarter of section, situated 2.33 chains west of the west line of the aforesaid right-of-way; thence southeasterly along the channel of the Harbor Ditch, 5.20 chains to the west line of aforesaid right-of-way at a point situated 4.60 chains south of the south line of the northeast quarter of the southwest quarter section aforesaid; thence north along the west line of said right-of-way, 22.20 chains to the point of beginning, containing 9.66 acres of land, within described land lines, or 9.88 acres within established fence lines.—

The corners of the described premises are marked by iron pins. at A, B, C, D, E, and G ; Posts at F, H, and I.

The foregoing is an abbreviated and comprehensive description of the identical land conveyed and described in the deed of Norman G. Prince et al. to Earl Bastian and Lena Bastian, recorded September 16, 1942, in Deed Record 373, p. 225, of the records of said county; being as therein contained as follows, to-wit:

(Deed Description follows on attached) sheet.

NOTES:

- NOTES:
- (1) Deed refers to "15-foot" driveway; width called for in deed is 25 links, or 17.1 feet.
 - (2) Distance (D-E), center line of Indianapolis road to west boundary fence is 5.89 ch. VS. 6.15 ch.
 - (3) Fence along boundary (E-F) is situated 17.1 ft westerly of, and parallel to position called for in deed.
 - (4) Ditch along boundary (F-G) bears S 50 deg. 60m. E and is situated, for the most part upon the described premises. Ditch

Cal. No. Z

Filed.....19.....

**APPEAL FOR VARIATION IN THE APPLICATION OF THE REGULATIONS OF
THE FORT WAYNE ZONING ORDINANCE OR**

FROM ORDER, REQUIREMENT, DECISION OR DETERMINATION OF BUILDING COMMISSIONERS

BOARD OF APPEALS

City of Fort Wayne

City Hall

NOTICE: This Appeal must be TYPEWRITTEN and accompanied by necessary data. (See note on last page.)

Names and Addresses

Appellant: CONRAD MULLINS

Address: 1617 North Bueter Road

Owner: CONRAD MULLINS and HELEN MULLINS

Address:

Lessee: NONE

Address:

TO THE BOARD OF APPEALS: Pursuant to the statute in such case made and provided, an appeal is hereby taken to the Board of Zoning Appeals to vary or modify the application of the regulations or provisions set forth by the following described paragraphs of the Fort Wayne Zoning Ordinance or from the order, requirement, decision or determination of the Commissioner of Buildings, dated July 11 19 68

(Give date or order)

in reference to the

Maintenance Establishment Conversion
--

 of a Mobile Home Park

(Describe uses you propose to conduct on the premises.)

and in reference to the { Conversion
Erection
Alteration } of a

(No. of stories)

story

**Wooden
Ordinary
Fireproof
Slow Burning** } Construction

(Describe building—as apartment, warehouse, etc.)

building, to be located on the premises at 3639 McArthur Drive, Fort Wayne, Indiana

(Give street address)

and of which the legal description is SEE ATTACHED SURVEY - property outlined in red

(Insert Legal Description)

which premises are located in an

M-2

District and in a

Attached hereto is copy of the decision rendered by the Building Commissioner

on July 11 19 68

Notice of this Appeal was filed with the Building Commissioner on July 11 19 68

DESCRIPTION OF CASE

The present owner acquired legal title to the premises on November , 1962
(Give date)

The premises are now ~~Unoccupied by buildings~~
~~Occupied by vacant building (b)~~ (one vacant building)
~~Used as a~~

(Describe uses if any which are now established on premises.)

None at present.

The following buildings now exist on the premises:

No.	USE OF BUILDING	TYPE OF CONSTRUCTION	Size— Sq. Ft. Ground Area	HEIGHT	
				Stories	Feet
1	Vacant building	Frame	864 sq. ft.	2	30
2					
3					
4					
5					
6					
7					
8					

of these existing building numbers.....one (1) is.....are to be retained, temporarily
and is are to be demolished, when Park is in operation for a while and new
office building erected.
The proposed building together with existing buildings to be retained on the premises will
occupy not applicable sq. ft. { more } than is permitted by the Fort Wayne Zoning Ordinance. The
total area of the premises is 9.66 acres sq. ft. The volume of the proposed building added to
the volume of existing buildings on the premises which are to be retained, as computed, according
to the regulations of the Fort Wayne Zoning Ordinance will be not applicable.....cu. ft. which is
not applicable.....cu. ft. { more } than is permitted by the Fort Wayne Ordinance.

The alley wall of the proposed building will be located not nearer the center line of the alley than.....feet.

(Insert any special data.)

The building line established by the Fort Wayne Zoning Ordinance for these premises isfeet.

(Insert any special data.)

The following list states all the uses which are to be made of the premises and the approximate area or floor space devoted to each use:

USE	FLOOR AREA	GROUND AREA
SEE ATTACHED SPECIFICATION SHEET		

(All uses and processes should be listed in detail using extra sheet if necessary. If any items are omitted the appeal will be incomplete and may cause the Appellant delay and inconvenience. List of uses in Zoning Ordinance will be useful in checking your list.)

(In the following space set forth the specific grounds of your appeal having in mind the above provision of the statute:)

(Use additional sheets if necessary)

The area which is requested to be used as a Mobile Home Park lies adjacent to the Indianapolis Road and also adjacent to an area along the Indianapolis Road which has been designated as a Mobile Home Park District. The area involved is too small to farm and is not conducive to industrial development and its most efficient use would be as a Mobile Home Park.

Section 13, paragraph C (3) of Chapter 36, Municipal Code of Fort Wayne provides that in M-2 Districts the Board of Zoning Appeals may permit the establishment of a Mobile Home Court, providing that public convenience and welfare will be substantially served and that the proposed use will not be unduly detrimental to the surrounding area. Your appellants contend that the proposed use will not be detrimental but beneficial to the area and the most efficient use to which this area could be put.

ATTACHED HERETO AND MADE A PART OF THIS APPEAL I SUBMIT THE FOLLOWING:

(NOTE: These papers **must** be submitted with the appeal.)

- a) COPY OF DECISION OF BUILDING COMMISSIONER.
- b) SET OF DRAWINGS OR PHOTOSTATS, all on sheets 8½x11 inches, showing all conditions as to structures on premises affected by this appeal.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

Conrad J. Mullins
.....
(Appellant to sign here)

Sworn to before me, this.....eleventh.....day of.....July....., 19..68.

My Commission expires:

Feb 28, 1970

Paul E. Kardon
.....
(Notary Public)

NOTE: Upon the filing of this appeal with accompanying papers you will be advised of the date of the public hearing.

NUMBER

Source: *Survey of India*, 1961.

This document is the result of a survey of land and real estate interests situated within the area shown on the map above. A list of the names of the owners of the land and the names of the persons who have an interest in the land is given in the list of owners of land and real estate situated within the area shown on the map above. The names of the owners of the land and the names of the persons who have an interest in the land are given in the list of owners of land and real estate situated within the area shown on the map above. The names of the owners of the land and the names of the persons who have an interest in the land are given in the list of owners of land and real estate situated within the area shown on the map above.

DESCRIPTION OF PROPERTY (see below)

Appendix

A part of the southwest quarter of Section 23, Township 30 north, Range 12 east, by notes and bounds described as follows, to wit:

Commencing on the west line of the right-of-way of the Lake Erie & Western Railroad, at a point situated 2.32 chains south of its intersection by the north line of said quarter section ; thence south 70 $\frac{1}{2}$ degrees west, 7.03 chains to a point on the north side line of a driveway entering from the public highway known as the Indianapolis Road into and upon the premises herein being described; thence north 65 degrees west, 3.81 chains to a point on the center line of the said public highway; thence south 22 $\frac{1}{2}$ degrees west, 0.20 chains along the center line of said public highway ; thence south 65 degrees east, 6.15 chains along the south side line of the aforesaid driveway ; thence south 29 $\frac{1}{2}$ degrees west, 8.64 chains ; thence south 47 degrees east, 8.84 chains to a point on the south line of the northeast quarter of the southwest quarter of section, situated 2.33 chains west of the west line of the aforesaid right-of-way ; thence southeasterly along the channel of the Barber ditch, 5.20 chains to the west line of aforesaid right-of-way at a point situated 4.60 chains south of the south line of the northeast quarter of the southwest quarter section aforesaid ; thence north along the west line of said right-of-way, 22.20 chains to the point of beginning, containing 9.66 acres of land, within described land lines, or 9.66 acres within established fence lines.

The corners of the described premises are marked by iron pins at A, B, C, D, E, and G; Posts at F, H, and I.

The foregoing is an abbreviated and comprehensive description of the identical land conveyed and described in the deed of Norman G. Prince et al. to Earl Bastian and Lena Bastian, recorded September 16, 1942, in Deed Record 373, p.225, of the records of said county; being as therein contained as follows, to-wit:

(Seed Description Follows on attached) - ~~see~~
sheet.

NOTES:

- (1) Deed refers to "11-foot driveway"; width called for in deed is 25 links, or 17.1 feet.
- (2) Distance (D-I), center line of Indianapolis road to west boundary fence is 3.89 ch. vs. 6.15 ch.
- (3) Fence along boundary (L-F) is situated 17.1 ft. or, and parallel to position called for in deed.

Ditch along boundary (F-G) bears S 60 deg. 20 min. E and is

1. Owner: Conrad J. Mullins, 1617 N. Bueter Rd., Fort Wayne, Indiana.
2. Location and Name: McArthur Drive Mobile Home Park, 3639 McArthur Drive, Fort Wayne, Indiana, Allen County.
3. Sewage: City Main located on property.
4. Site: 9.66 acres, 88 lots all lots 3,200 sq. ft. or over.
5. Streets: 20 ft. wide. Provisions made to widen streets if necessary by reducing large lots 1-27 by five feet each and lots 56 thru 88 by 10 ft. Lots will still be over 3,200 sq. ft.
6. Water: City water provided by city main at street 4". Lines to be looped and engineered to be sufficient to afford 3/4" leads to all mobile homes.
7. Sewer system to be eight inch laterals thru all lots and 4" leads to each mobile home with a 10" tap in main sewer. Slope of all lines to be more than 4" per hundred feet minimum required. Lines to be manholed at 400' or less.
8. Auto Parking: Auto parking to be two spaces indented at front of each lot.
9. Walks: Walks to each mobile home to be 30" wide.
10. Garbage Collection: To be by same agency as city has. Two cans on each 8" off ground to be located at each lot.
11. Lighting: Lighting to be by I & M or City Light with minimum of 1/10 foot candle.
12. Present structure to remain as work office until development complete. Temporary road to by-pass structure during development. Complete development to be within 5 yrs or less.